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NOTE BY THE SECRETARY-GENERAL

The Secretary-General wishes to transmit herewith the letter dated 20 July 1993, addressed to him by Mr. Rolf Ekéus, Executive Chairman of the Special Commission, upon the completion of the latter's mission to Iraq to seek compliance with the Council's decision of 18 June 1993 (S/25970).

Annex

Letter dated 20 July 1993 from the Executive Chairman of the Special Commission addressed to the Secretary-General

I have the honour to refer to the statement issued by the President of the Security Council on 18 June 1993 (S/25970) and the subsequent decision that I should visit Baghdad to meet with the highest levels of the Iraqi Government in order to secure compliance with the decisions contained in that statement. I am submitting herewith my report on the proceedings and the outcome of my visit to Baghdad and I request that it be circulated as a document of the Security Council.

(Signed) Rolf EKÉUS
Executive Chairman

Enclosure

Report to the Secretary-General by the Executive Chairman of the Special Commission established pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)

INTRODUCTION

A. Background

1. After consideration by the Security Council of a report by the Secretary-General (S/25960), the President of the Security Council issued an agreed statement (S/25970) on 18 June 1993 regarding the Government of Iraq's refusal to comply with certain instructions of the Special Commission. In that statement, the members of the Council stated that "Iraq must accept the installation by UNSCOM of monitoring devices at the rocket test sites in question and transport the chemical weapons-related equipment to a designated site for destruction." It further concluded that "Iraq's refusal to comply with the decisions of the Special Commission as set out in the report of the Executive Chairman constitutes a material and unacceptable breach of the relevant provisions of resolution 687 (1991), which established the cease-fire and provided the conditions necessary for the restoration of peace and security in the region, as well as violations of Security Council resolutions 707 (1991) and 715 (1991) and the plans for ongoing monitoring and verification approved thereunder." The Council "demanded that the Government of Iraq immediately comply with its obligations under Security Council resolutions 687 (1991), 707 (1991) and 715 (1991)".

2. In the period following the issuance of the statement, the Special Commission submitted to the President of the Security Council five notes regarding the status of Iraq's compliance with that statement. In these notes, the Commission reported that, over the period 18 June to 2 July, Iraq had moved all the chemical weapons precursor production equipment and precursor chemicals to the Muthanna State Establishment, where they had been delivered to the Commission's Chemical Destruction Group. Subsequently, the Commission was able to supervise and verify the destruction of this equipment. The precursors would be destroyed during the normal course of activities of the Chemical Destruction Group.

3. However, as of 8 July, the Commission was unable to report any progress on the installation of the monitoring cameras at the two rocket test sites. Indeed, the member of the Office of the Special Commission sent to establish, in contacts with the Iraqi side, the modalities for the installation of the cameras was told by a senior Iraqi official that Iraq would not accept their immediate installation because such installation would be one of the measures in the implementation of ongoing monitoring and verification as approved under resolution 715 (1991), a matter still the subject of discussion between Iraq on one side and the Special Commission and the Security Council on the other. In the light of the position of the Government of Iraq, the Special Commission's installation team, which had spent over a month in Iraq awaiting favourable developments to allow it to proceed with its mission, was instructed by the Executive Chairman to withdraw on 5 July.

4. On 8 July 1993, the Executive Chairman of the Special Commission informed the President of the Security Council that he had received information that Iraq was dismantling and moving the equipment at the test sites in question so as to render them inoperative. However, as an interim measure because the sites could be reactivated at very short notice, the Commission, after having informed the Security Council, was dispatching immediately a team of ballistic missile experts to Iraq to seal the relevant equipment and facilities at both sites so as to ensure that they were not used for any testing purposes until the monitoring cameras had been installed. This team arrived in Baghdad on 10 July and was informed by Lieutenant-General Amer Rashid, Director of Iraq's Military Industrialization Corporation, that sealing the sites was unnecessary as they were no longer operative. The Commission could inspect the equipment at the place to which it had been moved at any time. The Executive Chairman nevertheless instructed the Commission's Chief Inspector to proceed to the test sites and to affix seals to the test stands in accordance with the procedures that had been reported to the Council in the Executive Chairman's note of 8 July and approved by the Council. When the Chief Inspector attempted to affix the seals, his Iraqi counterpart intervened and blocked him from proceeding. Upon being informed of this, the Executive Chairman instructed the Commission's team to leave Iraq immediately.

5. On 11 July 1993, the Minister for Foreign Affairs of Iraq, Mr. Mohammed Said Al-Sahaf, addressed a letter to the President of the Council in which he explained Iraq's refusal to permit the sealing of the sites and the equipment. He stated that the Special Commission had "begun to implement the provisions of resolution 715 (1991) without having committed itself to informing the Security Council that Iraq's compliance with the provisions of section C of resolution 687 (1991) makes it incumbent upon the Council to begin considering in earnest the implementation of paragraph 22 of resolution 687 (1991), i.e., lifting the economic sanctions imposed on Iraq. This is the main issue."

6. On 12 July, the Executive Chairman reported to the President of the Security Council on the outcome of the attempt to seal the two sites and the equipment. Referring to the failure of all efforts by the Special Commission either to monitor the sites or, in the absence of monitoring, to ensure their non-use until such time as effective monitoring could commence and, in particular, to the letter of the Foreign Minister of Iraq, the Executive Chairman stated that the matter had been unequivocally raised by Iraq from a specific issue of monitoring two missile-engine test sites to the level of the principle of Iraq's acceptance of ongoing monitoring and verification under resolution 715 (1991). While an interim solution preventing use of the missile test sites might be possible, the permanent solution, through the installation of monitoring cameras, would not be found until Iraq could be convinced that it must accept and implement resolution 715 (1991), which was a Chapter VII decision of the Security Council. The Special Commission had always understood Security Council resolutions 687 (1991), 707 (1991) and 715 (1991) to constitute an indissoluble whole, and it had acted accordingly. The Special Commission could not, therefore, consider reporting to the Security Council under paragraph 22 of resolution 687 (1991) until it deemed Iraq to be in compliance not only with that resolution, but also with resolution 707 (1991) and, in particular, resolution 715 (1991). In the present circumstances, there might be some utility in conveying this message, with the full support of the Council, to the highest levels of the Iraqi Government.

7. On 12 July, the Security Council held an informal session to consider the Executive Chairman's note of that date and it was decided that the Executive Chairman of the Special Commission should visit Baghdad for the purposes stated above.

B. Mission to Baghdad

8. On 13 July, the Executive Chairman left United Nations Headquarters for Baghdad. He was accompanied by the following members of the staff of the Office of the Special Commission: Mr. John F. Scott, Mr. Tim Trevan and Ms. Olivia Platon.

9. The special mission visited Baghdad from 15 to 19 July 1993. Over the course of its stay, the Executive Chairman and the members of his staff held the following six meetings at the highest levels of the Government of Iraq:

Date and time	Representation by Iraq (principal members of the delegation)
15 July 1993	
1930-2140 hours	H.E. Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs Mr. Human Abdul Khaliq, Minister of Higher Education and Scientific Research, and Chairman, Iraqi Atomic Energy Commission General Amer Muhammad Rashid, Director, Military Industrialization Corporation Mr. Saadoon Al-Zubeidi, Ministry for Foreign Affairs Mr. Abdul Halim Al-Hajjaj, Iraqi Atomic Energy Commission Mr. Hossam Muhammad Amin, Chief Iraqi Counterpart Mr. Said Al-Musawi, Ministry for Foreign Affairs
16 July 1993	
1030-1300 hours and 1900-2150 hours	H.E. Mr. Tariq Aziz, Deputy Prime Minister (accompanied by the above delegation)

18 July 1993	
1145-1300 hours and 2000-2350 hours	As above, with the addition of Mr. Riyadh Al-Qaysi, Under-Secretary, Ministry for Foreign Affairs
19 July 1993	
0800-1200 hours	As above

10. The first four of the above meetings were held in plenary session, the fifth was a private meeting, initially between the Deputy Prime Minister and the Executive Chairman, and later with the participation of the Foreign Minister, the Minister of Higher Education and Scientific Research, the Director of the Military Industrialization Corporation, the Under-Secretary for Foreign Affairs and Mr. Scott. The sixth meeting started with a private session between the Under-Secretary for Foreign Affairs and Mr. Scott, followed by a private meeting between the Deputy Prime Minister, the Foreign Minister, and the Executive Chairman, and ending with the additional participation of the Minister of Higher Education and Scientific Research, the Director of the Military Industrialization Corporation, the Under-Secretary for Foreign Affairs, Mr. Scott, Mr. Trevan and Ms. Platon.

I. DISCUSSIONS

11. In the course of the meetings, a frank, serious and comprehensive exchange of views took place. These meetings ended on a positive note. At the fourth meeting, the delegation of Iraq presented a position paper. In preparation for the fifth meeting, the Executive Chairman presented initial written comments on the Iraqi position paper, together with the Special Commission's position paper containing proposals that had been presented orally in the earlier discussions. These papers are set out below.

A. Iraqi position paper

"Although Iraq understands that the implementation of its obligations under section C of resolution 697 (1991), which is what has been accomplished, makes it incumbent upon the Council to implement paragraph 22 of the said resolution, which has not been accomplished, Iraq, desirous to cooperate further with the Council and the Special Commission in order to reach a solution to the outstanding issues and lift the blockade imposed upon its people, presents the following proposals:

"1. Iraq is ready to comply with the provisions of the plans of ongoing monitoring and verification as contained in resolution 715 (1991).

"2. The Security Council and the Special Commission hereby undertake that, while implementing the said plans, they shall respect the sovereignty, internal security and dignity of the people and State of Iraq.

"3. The Security Council and the Special Commission hereby pledge themselves to guarantee, while implementing the said plans, Iraq's right to industrial, scientific and technological progress and to development in all fields not covered by the prohibitions contained in resolution 687 (1991).

"4. Whenever it is necessary for the Special Commission to carry out aerial tasks of monitoring and verification, the Commission shall use Iraqi means, such as helicopters and reconnaissance aircraft, instead of non-Iraqi means, or shall use other means agreed upon by both sides.

"5. The Special Commission hereby undertakes that the implementation of monitoring and verification tasks in the nuclear, chemical and biological fields shall be carried out in accordance with the rules and methods adopted in the relevant international agreements currently in force.

"6. The Security Council and the Special Commission hereby undertake to implement immediately and fully paragraph 22 of resolution 687 (1991) without any additional conditions.

"7. The Security Council undertakes to lift the embargo stated in paragraph 24 of resolution 687 (1991).

"8. The Security Council and the Special Commission hereby pledge themselves to work immediately and in earnest on the implementation of paragraph 14 of resolution 687 (1991), in which the Council makes clear that the actions to be taken by Iraq under the paragraphs related to the weapons of mass destruction 'represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons'; and also to ensure that the measures of prohibition, monitoring and verification applied to Iraq, including those to do with ballistic missiles, are part of the plans applied to all countries of the region without exception. It is also natural to reaffirm Iraq's right to benefit from the advantages of implementation which accrue to the countries of the region.

"9. Taking into consideration the affirmation made by the Security Council of 'the commitment of all Member States to the sovereignty, territorial integrity and political independence', of Iraq, which constitutes a comprehensive and unequivocal obligation on all States, including the States members of the Security Council, Iraq demands from the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and France, in accordance with their commitments under the Charter of the United Nations, particularly as they are permanent members of the Security Council, and compliance with the provisions of the Security Council resolutions adopted under Chapter VII, including resolution 687 (1991), to show full respect to Iraq's sovereignty, security and territorial integrity, to bring to an immediate end the air embargo which they have imposed to the south of parallel 32 and to the north of parallel 36, to cease violating Iraq's airspace and to refrain forthwith from interfering in the internal affairs of Iraq."

B. Initial comments by the Executive Chairman of the Special Commission on the position paper presented by the Government of Iraq

"Introduction

"1. The position paper presented by the Government of Iraq is of a comprehensive nature and many of the issues with which it deals fall outside the competence of the Special Commission. Furthermore, certain paragraphs are addressed both to the Security Council and to the Special Commission. The Executive Chairman can make no comment upon nor enter into any commitment insofar as the issues concerned are addressed to the Council or certain members of the Council and seek action by the Council or certain of its members. The Executive Chairman will, of course, submit the Government of Iraq's position paper to the Security Council for its consideration as part of his report on the outcome of his present mission. The paragraphs that follow contain some preliminary comments by the Executive Chairman on issues raised in the position paper that come within the areas of responsibility of the Commission.

"2. The undertaking by Iraq in paragraph 1 of its position paper is welcomed. In this context, attention is drawn to paragraph 7 of the Executive Chairman's position paper.

"3. In paragraph 2 of Iraq's position paper, it is suggested to insert the words 'in accordance with the Charter of the United Nations' after the words 'they shall'.

"4. Paragraph 3 of Iraq's position paper reflects the intentions of the Special Commission in the discharge of its responsibilities under its plan for ongoing monitoring and verification.

"5. In respect of paragraph 4 of Iraq's position paper, attention is drawn to paragraph 4 of the Executive Chairman's position paper, which reflects the intentions of the Special Commission in this regard.

"6. The concerns of the Special Commission regarding paragraph 5 of Iraq's position paper would be met if the end of this paragraph were to read as follows: 'carried out in the same spirit as relevant international agreements in the field of arms control and disarmament'.

"7. In respect of paragraph 6 of Iraq's position paper, the Special Commission would be prepared to give an undertaking that it will report to the Security Council, under paragraph 22 of resolution 687 (1991), when it is satisfied that Iraq is in compliance with its obligations under paragraphs 8, 9, 10, 11, 12 and 13 of that resolution. It is for the Council to decide upon the action it takes in the light of such a report.

"8. Paragraph 7 of Iraq's position paper falls outside the competence of the Special Commission, paragraph 24 of resolution 687 (1991) laying down that the lifting of the embargo referred to in that paragraph will be made by a 'further decision' of the Security Council.

"9. In respect of paragraph 8 of Iraq's position paper, implementation of paragraph 14 of Security Council resolution 687 (1991) is not addressed to the Special Commission. The Special Commission has, and will continue, to draw attention to the importance of this paragraph for the maintenance of international peace and security in the region. The Special Commission is also aware of the significance of the successful carrying out of its own mandate to the realization of the goal set out in paragraph 14 of the resolution.

"10. The matter dealt with in paragraph 9 of Iraq's position paper is entirely outside the competence of the Special Commission, and is addressed to three of the permanent members of the Security Council. The attention of these members will be drawn to this paragraph when the Executive Chairman presents his report to the Security Council."

C. Position paper by the Executive Chairman of the Special Commission

"I. Introduction

"1. The Executive Chairman of the Special Commission (UNSCOM) has undertaken his present mission to Iraq in order to seek full compliance with the Security Council's decision of 18 June 1993. He has, in this context, addressed in particular the issue of acknowledgement by Iraq of its obligations under Security Council resolution 715 (1991) and the plans approved thereunder and the issue of the monitoring of the rocket-engine test sites at Yawm Al Azim and Al Rafah. After an extensive review with the Deputy Prime Minister of Iraq, other senior Ministers and officials, the Executive Chairman presented to Iraq the following proposals as a basis for obtaining full compliance with the Council's decision.

"II. Security Council resolution 715 (1991) and the plans approved thereunder

"2. The objective of the Secretary-General's plan (S/22871/Rev.1) for ongoing monitoring and verification of Iraq's compliance with relevant parts of section C of Security Council resolution 687 (1991), approved by the Council in its resolution 715 (1991), is defined in paragraph 10 of resolution 687 (1991). That objective is to monitor and verify Iraq's unconditional undertaking not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9 of the resolution. The Special Commission will carry out its responsibilities under the plan in good faith and with this sole objective in view.

"3. Part B of the plan, in particular paragraphs 16 to 24, define the general rights of the Special Commission. These general rights are comprehensive in nature. The full cooperation and goodwill of the Government of Iraq in carrying out the plan will be the determining factor as to the extent to which the Commission will be obliged to invoke and insist upon its rights. If the necessary cooperation and goodwill are forthcoming, this will permit the development of a routine whereby the

Commission can operate in an unobtrusive manner, without unnecessarily hampering or delaying the normal activities at locations which are being inspected, and with due regard to Iraq's sovereignty, independence, security and dignity in accordance with the Charter of the United Nations.

"4. Without prejudice to its rights to provide its own full logistical support, including transport, in the carrying out of its responsibilities, the Special Commission intends to avail itself of those provisions in the plan pursuant to which the Government is required upon request to provide logistical and technical support, including flights for purposes specified in paragraph 17 of the plan. The extent to which the Commission will so avail itself will depend upon the prevailing situation of confidence, the availability of local logistical and technical support which would meet the Commission's requirements and experience in its use.

"5. The Special Commission will be prepared to review with the Government, from time to time, the operations and execution of the plan and will examine in good faith any considerations that the Government may raise and will determine what action, if any, it can take to accommodate the Government's concerns within the scope of its responsibilities to the Security Council and the effective and efficient performance of its functions.

"III. Monitoring of the two rocket-engine test sites

"6. Iraq has agreed, on an interim basis, to permit the installation of cameras at Yawm Al Azim and Al Rafah under modalities which have been arrived at between Iraq and the Special Commission.

"7. This has been done in order to facilitate the initiation of high-level technical talks between Iraq and the Special Commission. Iraq and the Special Commission are agreed that a principal topic to be discussed will be the nature and implementation of ongoing monitoring and verification pursuant to the resolutions of the Security Council."

II. CONCLUSIONS

12. In so far as it relates to the responsibilities of the Special Commission, the Commission believes that the position paper presented by Iraq contains positive elements which permit the Commission and Iraq to commence, as soon as possible, high-level technical talks in New York. In view of these elements, Iraq and the Commission are agreed that a principal topic to be discussed will be the nature and implementation of the provisions of the plans for ongoing monitoring and verification as approved by Security Council resolution 715 (1991), as well as all other outstanding issues between Iraq and the Commission. This will be done with a view to resolving the aforesaid issues.

13. In arriving at the above conclusion concerning the initiation of the high-level technical talks, the Special Commission notes that Iraq has agreed, on an interim basis, to permit the installation of cameras at Yawm Al Azim and Al Rafah. The Special Commission will shortly dispatch a technical team to

undertake such installation. The long-term solution of this issue will be one of the topics to be covered in the aforementioned talks, including the question of the activation of these cameras. Pending the outcome of those talks, the Deputy Prime Minister of Iraq has given the Executive Chairman of the Special Commission explicit assurances that Iraq will provide the Commission with adequate notice of any test firings to permit it to observe those firings and will facilitate inspections of the two sites by the Commission at such times and as frequently as the Commission shall deem necessary.

14. The above conclusions have been read to the delegation of Iraq. It is agreed that they represent common understandings arrived at during the Executive Chairman's mission.